OFFERYNNAU STATUDOL CYMRU

2008 Rhif 2781 (Cy.248)

IECHYD PLANHIGION, CYMRU

Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) 2008

Gwnaed - - - -	*22 Hydref 2008*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru - -	*23 Hydref 2008*
Yn dod i rym - -	*17 Tachwedd 2008*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 2, a 3(1), (2) a (4) o Ddeddf Iechyd Planhigion 1967(**1**) ac sydd bellach wedi'u breinio ynddynt hwy(**2**), a chan baragraff 1A o Atodlen 2 i Ddeddf y Cymunedau Ewropeaidd 1972(**3**), yn gwneud y Gorchymyn a ganlyn.

Mae'r Gorchymyn yn darparu at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 ac mae'n ymddangos i Weinidogion Cymru ei bod yn hwylus dehongli'r cyfeiriadau at offerynnau'r Gymuned Ewropeaidd yn y Gorchymyn hwn fel cyfeiriadau at yr offerynnau hynny fel y'u diwygir o bryd i'w gilydd.

Enwi, cymhwyso a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) 2008, mae'n gymwys o ran Cymru a daw i rym ar 17 Tachwedd 2008.

Diwygiadau i Orchymyn Iechyd Planhigion (Cymru) 2006

2.—(1) Diwygir Gorchymyn Iechyd Planhigion (Cymru) 2006(**4**) fel a ganlyn.

(2) Yn erthygl 2(1), yn lle'r diffiniad o "Directive 2000/29/EC" rhodder—

(**1**) 1967 p. 8; diwygiwyd adrannau 2(1) a 3(1) a (2) gan Ddeddf y Cymunedau Ewropeaidd 1972 Atodlen 4, paragraff 8; amnewidiwyd adran 3(4) gan adran 42 o Ddeddf Cyfiawnder Troseddol 1982 (p. 48).

(**2**) Trosglwyddwyd swyddogaethau'r awdurdod cymwys y cyfeirir ato yn adrannau 2 a 3 o Ddeddf Iechyd Planhigion 1967, i'r graddau y maent yn arferadwy o ran Cymru, i Ysgrifennydd Gwladol Cymru gan Orchymyn Trosglwyddo o Swyddogaethau (Cymru) (Rhif .1) 1978 (O.S. 1978/272). Trosglwyddwyd swyddogaethau Ysgrifennydd Gwladol Cymru i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru o dan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi.

(**3**) 1972 p. 68.

(**4**) O.S. 2006/1643 (Cy.158), fel y'i diwygiwyd.

""Directive 2000/29/EC" means Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community;"(**5**)

(3) Ar ôl erthygl 19(2), mewnosoder—

"(3) Subject to article 22, no person may land in Wales seed potatoes grown, or suspected to have been grown, in another member State or in Switzerland unless written notification is provided to an inspector, at least two days prior to the intended date of introduction into Wales of the seed potatoes, of the intention to land the seed potatoes and of—

(a) the intended time, date and means of introduction;

(b) the intended point of entry into Wales;

(c) their intended use and destination;

(d) their variety and quantity; and

(e) the producer's identification number.".

(4) Yn erthygl 22, ar ôl "article 19(1)(e), (f) and (g)" mewnosoder "and (3)".

(5) Ar ôl erthygl 39, mewnosoder—

"PART 7A

MANAGEMENT ZONES FOR PLANT HEALTH PURPOSES

Measures for preventing the introduction of *Diabrotica virgifera* Le Conte

39A.—(1) Where there is a high risk of the introduction of *Diabrotica virgifera* Le Conte from any aircraft landing at an airport in Wales, the Welsh Ministers may designate a zone around the airport ("a designated zone").

(2) A designated zone must extend to a radius of at least 2500 metres around the runways of, or around any other areas where aircraft move within, an airport.

(3) The Welsh Ministers may revoke or vary a designation at any time.

(4) The Welsh Ministers must take appropriate measures to notify any designation, revocation or variation to persons growing or intending to grow maize in a designated zone.

(5) Any person acting in the course of a business, trade or other undertaking and growing maize in a designated zone must ensure that crops are rotated in such a way that maize is only grown once in any field during any period of two consecutive years.

(6) Any premises which are partly inside and partly outside a designated zone are deemed to be wholly inside that zone for the purposes of this article.

(7) Paragraph (6) does not apply in respect of any part of any premises which is situated outside Wales.".

(6) Yn erthygl 41—

(a) ym mharagraff (1) yn lle "Directive 95/44/EC of 26 July 1995" rhodder "Directive 2008/61/EC";

(b) ym mharagraffau (2), (6) a (7)(a) yn lle "Directive 95/44/EC" rhodder "Directive 2008/61/EC"; ac

(c) yn lle paragraff 7(b) rhodder—

(**5**) OJ Rhif L 169, 10.7.2000, t.1, fel y'i diwygiwyd ddiwethaf gan Gyfarwyddeb y Comisiwn 2008/64/EC, OJ Rhif L 168, 28.6.2008, t.31.